

Appl. No. 09/852,819
Amdt Dated 02/xx/2005
Reply to Office Action of 11/09/2004

REMARKS

This paper is in response to the Office Action mailed on 09/16/2004. In the Office Action, (1) claims 1-6, 9-10, 20-22, 25-27, and 33-61 were rejected under 35 U.S.C. § 103(a); and (2) claims 7-8, 11-19, 23-24, and 28-32 were objected but indicated as being allowable in independent form. Reexamination and reconsideration in view of the amendments and the remarks made herein is respectfully requested.

Previously claims 1-61 were pending.

Applicant has amended claims 1, 8, 11-13, 15-18, 23, 25-26, and 28-32 by this response. Applicant has cancelled claims 7, 20-22, and 33-61 without prejudice. Applicant has added new claims 62-77. Accordingly, claims 1-6, 8-19, 23-32, and 62-77 are now pending. Of the pending claims, claims 1, 8, 11, 23, and 28 are independent claims.

Applicant believes that no new matter has been added by this response.

I) Claim Objections

Claims 7-8, 11-19, 23-24, and 28-32 were objected to for being dependent upon a rejected base claim. The Office Action indicated that these claims would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. [Office Action, page 7, section 6].

Regarding claim 7, Applicant has added the limitations of claim 7 into independent claim 1 so that claim 1 is now in

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condition for allowance. Accordingly, Applicant has cancelled dependent claim 7.

Regarding claims 8, 11, 23, and 28, Applicant has amended these claims into independent form including the limitations of the base claim and any intervening claim. Thus, Applicant respectfully submits that claims 8, 11, 23, and 28 amended into independent form are now in condition for allowance.

Claims 12-19 depend from independent claim 11.

Claim 24 depends from independent claim 23.

Claims 29-32 depend from independent claim 28.

As independent claims 11, 23, and 28 have been amended into independent form and are believed to be in condition for allowance, dependent claims 12-19, 24, and 29-32 depending respectively there-from with added limitations are also in condition for allowance.

For the foregoing reasons, Applicant respectfully submits that these amendments and the cancellation of claim 7 now make this objection moot and respectfully requests its withdrawal.

II) Claim Rejections Under 35 U.S.C. § 103(a)

Claims 33-61 were rejected under 35 U.S.C. § 103(a) as being obvious over the combination of U.S. Patent No. 6,771,670 issued to Pfahler, et al. ("Pfahler") and U.S. Patent No. 6,636,993 issued to Koyanagi, et al. ("Koyanagi"). [Office Action, pages 3-5, section 4]. Applicant respectfully traverses this rejection.

Claims 1-6, 9-10, 20-22, and 25-27 were rejected under 35 U.S.C. § 103(a) as being obvious over the combination of

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Pfahler, Koyanagi and U.S. Patent No. 6,173,380 issued to Jin, et al. ("Jin"). [Office Action, pages 5-7, section 5]. Applicant respectfully traverses this rejection.

As discussed in the prior section, claim 7 was indicated as being allowable in independent form. [see Office Action, page 7, Section 6].

Applicant has amended claim 1 to add the limitations of claim 7 therein so that independent claim 1 is now in condition for allowance.

Claims 2-6 and 9-10 depend from independent claim 1.

As amended independent claim 1 is believed to be in condition for allowance, dependent claims 2-6 and 9-10 depending therefrom with added limitations are also believed to be in condition for allowance.

As discussed in the prior section, claim 23 was indicated as being allowable in independent form and has been so amended.

Claims 25-26 have been amended so that they are now dependent from independent claim 23.

Accordingly, claim 27 now depends indirectly from independent claim 23 through claim 26.

As amended independent claim 23 is believed to be in condition for allowance, dependent claims 25-27 depending therefrom with added limitations are also believed to be in condition for allowance.

Applicant has cancelled rejected claims 20-22 and 33-61 without prejudice in order to bring prosecution to a close in the present application over the allowable claims. Applicant

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reserves the right to put forward these cancelled claims in a continuation application and respond accordingly to these claim rejections.

In view of the cancellation of rejected claims 20-22 and 33-61, Applicant believes that the claim rejections to these claims are now moot.

For the foregoing reasons, Applicant respectfully requests the withdrawal of all the 35 USC 103(a) claim rejections of claims 1-6, 9-10, 20-22, 25-27, and 33-61 in the Office Action.

III) Claim Amendments

Applicant has amended claims 1, 8, 11-13, 15-18, 23, 25-26, and 28-32 by this response.

As discussed previously, the limitations of dependent claim 7 have been added into claim 1. Claims 8, 11, 23, and 28 have been amended into independent form. Claims 25-26 have been amended so that they are now dependent from independent claim 23.

Claim 11 has been further amended by adding "first" and "second" to clarify the "plurality of input channels" and the "control unit" in the data alignment device from the "plurality of input channels" and the "control unit" in the "rate matching device". Dependent claims 15 and 17 have been amended accordingly to include the word "second" for clarification purposes.

Claims 13 and 16 have been amended by replacing the word "for" with --of--. Claims 12 and 18 have been amended to clarify that the "buffer" of the rate matching device is being recited.

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Claims 29-31 have been amended to clarify grammar and the element that is being further limited by the respective dependent claim.

Claims 28-29 and 31-32 have been further amended to clarify that "one or more" buffered characters are being recited. Claim 32 has been further amended to clarify that "one or more" output channels are being recited.

As these claim amendments were made for clarification, Applicant respectfully submits that they were not made for reasons related to patentability.

IV) New Claims

Applicant has added new dependent claims 62-77.

New claims 62-69 depend directly from independent claim 8.

New claims 70-71 depend directly from independent claim 23.

New claims 72-77 depend directly or indirectly from independent claim 28.

As discussed previously, claims 8, 23, and 28 were indicated as being allowable in independent form and have been so amended.

Accordingly, Applicant believes it has placed independent claims 8, 23, and 28 in condition for allowance such that newly added dependent claims 62-77 depending respectively therefrom with further limitations are also in condition for allowance.

Therefore, Applicant respectfully submits that new claims 62-77 are also in condition for allowance.

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CONCLUSION

In view of the foregoing it is respectfully submitted that the pending claims 1-6, 8-19, 23-32, and 62-77 are in condition for allowance.

Reconsideration of the rejections and objections is requested. Allowance of the pending claims at an early date is respectfully solicited.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 to expedite the prosecution of this case should there be any unresolved matters remaining.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,
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CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this correspondence is being transmitted via facsimile to the Patent and Trademark Office under 37 CFR §1.8 on: January 28, 2005 to Examiner Man Phan at (703) 872-9306.

Pat Sullivan 1/28/05
Pat Sullivan Date